IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 14TH JULY 2006 / 23RD ASHADHA,1928

Bail Appl..No. 4237 of 2006

(CRIME NO.47/2006 OF C.B.C.I.D. KOZHIKODE)

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PETITIONER/11TH ACCUSED:

BABU VARGHESE, WOODLAND APARTMENT,
JAGATHY, THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:

DEPUTY SUPERINTENDENT OF POLICE,
REPRESENTED BY STATE PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4237/2006

DATED THIS THE 14TH DAY OF JULY, 2006

O R D E R

The petitioner is the eleventh accused in crime No.47/2006 of C.B.C.I.D Kozhikode, which is originally registered as crime No.55/2006 of Thamarassery Police Station. The offence alleged against the accused are under Sections 143, 147, 148, 341, 363, 307 and 302 IPC read with Section 149 IPC. The petitioner was arrested on 25.4.2006 and remains in judicial custody. Hence this application under Section 439 Cr.P.C.

2. The learned Public Prosecutor submitted that the final report had already been preferred by the investigating office and in such circumstances, I do not find the continued judicial detention of the accused is necessary. However the prosecutor submitted that strict conditions may be imposed, so that the petitioner would be available for the trial of the case.

3. Considering the facts and circumstances of this

case, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Thamarassery.

(b). The petitioner, immediately on his release, shall report before the investigating officer of C.B.C.I.D Kozhikode, and thereafter, he shall proceed to a place outside the limit of Thamarassery police Station, and further he shall not enter the limit of Thamarassery police station, till the trial and disposal of the case, otherwise than for appearance before the Court, on the posting dates.

(c). The petitioner shall not threaten or influence the witnesses or do any act directly or indirectly, so as to affect the smooth conduct of the trial of the case.

(d). The passport of the petitioner shall be surrendered, on his release, before the investigating officer and if the petitioner is not having a passport, he shall file an affidavit to that effect, attested by the advocate. The same shall be kept in the record of the investigating officer.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs